

December 24, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66 --  
**WRITTEN EX PARTE PRESENTATION**

Dear Ms. Dortch:

Recently, representatives of the Wireless Communications Association International, Inc. ("WCA") met with members of the Wireless Telecommunications Bureau staff to discuss the *Notice of Proposed Rulemaking* ("NPRM") in the referenced proceeding. As reported in WCA's ex parte notice regarding that meeting, the participants discussed at length the proposal advanced by WCA, the National ITFS Association ("NIA") and Catholic Television Network ("CTN") for transitioning from the current bandplan to that proposed by WCA, NIA and CTN. WCA stressed at that time that the transitions would not be as complex as they might appear, given the substantial degree of consolidation that has occurred within the MDS and ITFS arenas through secondary market lease and license transfer transactions. In addition, WCA's representatives observed that any inefficiencies associated with the WCA-NIA-CTN proposals for addressing cochannel and adjacent channel interference between non-synchronized technologies would be minimized by the likely use of a single synchronized technology by each system operator on its consolidated spectrum holdings.

To supplement that point, WCA is filing the attached map, which provides a graphic depiction of the degree to which a few major system operators have consolidated majority channel positions across most of the United States. More specifically, for each of eight major system operators/license holders,<sup>1</sup> the map identifies each MDS Basic Trading Authorization it

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<sup>1</sup> For purposes of this analysis, we have assumed the acquisition by Nextel, Inc. of the MDS/ITFS spectrum holdings of Nucentrix Broadband Networks, Inc. and WorldCom, Inc. It should be noted, however, that each of those companies have clustered their holdings, and therefore even should the closing of those transactions fail to occur,

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holds and each 35 mile radius circular protected service area for which it has secured through licenses and/or leases the right to use a majority of the licensed channels in the 2500-2690 MHz band.<sup>2</sup> As this map illustrates, these eight entities have consolidated the vast majority of the MDS/ITFS spectrum into large regional clusters. It is reasonable to presume that these eight entities will serve as the “proponent” under many, if not most, of the market-by-market transitions that would take place under the WCA-NIA-CTN approach, and that, regardless of the proponent, each would play a critical role during the transition planning process on behalf of their affiliated licensees. It is also reasonable to assume that these entities will deploy synchronized technologies in their service areas, minimizing the instances in which the special rules designed to permit non-synchronized uses will be invoked.

Should you have any questions regarding this summary, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel to the Wireless Communications  
Association International, Inc.

Attachment

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and the Nucentrix and WorldCom holdings remain separate, WCA’s point that there has been substantial consolidation remains valid.

<sup>2</sup> Although there is no database of leases maintained by the Commission or the industry, this map has been created from a variety of sources based on the information available to WCA at the present time. WCA is confident that, while it may not have perfect information regarding every license or lease in every market, the overall picture of consolidation presented by this map is representative.

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# MDS/ITFS Consolidation

